THE HON'BLE SRI JUSTICE L. NARASIMHA REDDY

WRIT PETITION No.24387 of 2003

Date: 08.08.2007

Between:
A.Chandra Sekhar and another.

… PETITIONERS

AND

The Development Officer.

… RESPONDENT

ORDER:

One Sri A. Kumar, brother of the first petitioner and son of the second petitioner, obtained loan from the respondent to establish a book binding unit. The land in Sy.Nos.175 and 429/71 of Kurchapalli Village, Warangal District belonging to them was mortgaged as a security for repayment of the loan. They further state that by 2001, the borrower paid a sum of Rs.1,05,395/- and could not make the further payment on account of the fact that the industry has become sick. The respondent got published an auction notice, dated 20.08.2003, under Section 36 of the Revenue Recovery Act, proposing to sell the mortgaged property. The petitioners challenge the same.

It is urged that the amount mentioned in the auction notice is excessive and in spite of repeated demands, the respondent did not furnish the true account.

No counter affidavit is filed on behalf of the respondent.

Heard the learned counsel for the petitioners and the learned counsel for the respondent.

The petitioners do not dispute the fact that Sri A. Kumar had

borrowed the amount from the respondent and that certain amount is due. Immovable property of the petitioners was mortgaged as a security for repayment. When the borrower committed default, the respondent is left with no alternative except to enforce the mortgage. The petitioners seriously dispute the correctness of the amount said to be recovered. This Court cannot undertake any adjudication into the same.

The record discloses that the petitioners never approached the respondent seeking particulars of the accounts. In case the petitioners find that any item shown in the accounts is untenable, they can certainly point out the same to the respondent.

Hence, the writ petition is disposed of, directing that it shall be open to the petitioners to submit a representation to the respondent to furnish the statement of accounts for the loan transaction within a period of two weeks from today. On receipt of such representation, the respondent shall furnish the true extract of accounts of the loan transaction within four weeks thereafter. In case the petitioners have any objection for such accounts, they shall bring the same to the notice of the respondent and after the final figure is arrived at, the petitioners shall clear the entire loan within six weeks. Till such time, the mortgaged property shall not be sold. If the petitioners commit default, it shall be open to the respondent to proceed with the same. There shall be no order as to costs.

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08.08.2007

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